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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Case No. 3:12-cv-00463-MMD-WGC

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Plaintiff,

ORDER

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v.

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\$15,000 IN UNITED STATES CURRENCY,

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Defendant.

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Before the Court is Magistrate William G. Cobb's Report and Recommendation ("R&R") (dkt. no. 21) recommending that Thomas E. Slack's ("Slack") claim (dkt. no. 7) and answer (dkt. no. 8) be stricken and that a default judgment of forfeiture be entered against the defendant currency and in favor of plaintiff United States. Claimant Slack was given until March 10, 2014 to file any objections. (Dkt. no. 21.) No objections were filed.

20

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v.*

1 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
2 employed by the district court when reviewing a report and recommendation to which no
3 objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D.
4 Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the view
5 that district courts are not required to review "any issue that is not the subject of an
6 objection"). Thus, if there is no objection to a magistrate judge's recommendation, then
7 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
8 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
9 which no objection was filed).

10 Nevertheless, this Court finds it appropriate to engage in a *de novo* review in
11 order to determine whether to adopt the R&R. The R&R recommends granting the
12 United States' motion to strike Slack's claim and answer and for a default judgment of
13 forfeiture against the defendant currency and in favor of plaintiff the United States (dkt.
14 no. 17). The R&R found that Slack failed to comply with the Court's April 30, 2013,
15 order granting the United States' motion to compel and failed to respond to the Court's
16 order to show cause as to why the United States' motion to strike should not be granted.
17 As noted, he also failed to object to the R&R. Upon review of the R&R and the record in
18 this case, the Court agrees with the Magistrate Judge and determines that it is
19 appropriate to adopt the R&R in full.

20 It is hereby ordered that the R&R (dkt. no. 21) is accepted and adopted. It is
21 ordered that the United States' Motion to Strike Claim/Answer and to Enter Default
22 Judgment of Forfeiture (dkt. no. 17) is granted. Thomas E. Slack's Notice of Claim (dkt.
23 no. 7) and Answer (dkt. no. 8) are ordered stricken. The proposed judgment of forfeiture
24 attached to the United States' Motion (dkt. no. 17-1) will be issued. The Clerk is directed
25 to close this case.

26 DATED THIS 14th day of March 2014.



MIRANDA M. DU
UNITED STATES DISTRICT JUDGE